



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,068	04/09/2004	Alan Henry Green		3067
42528	7590	08/24/2005		
ALAN HENRY GREEN 6101 WOLF LANE DELVALLE, TX 78617				
				EXAMINER
				BELLAMY, TAMIKO D
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

Application No.

10/709,068

Examiner

Tamiko D. Bellamy

Applicant(s)

GREEN, ALAN HENRY

Art Unit

2856

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

The amendment document filed on 23 June 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.


**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Continuation of 4(e) Other: claims on a separate sheet with underlinings or brackets to show changes.  
5 The amendment had not been signed.

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

## \* Revised Amendment Practice

- Amendments to Drawings
  - must include Replacement Sheet(s) which will be entered
  - may also include Annotated Marked-up Drawing(s) which is not to be entered as part of the drawings
  - each sheet of replacement or annotated drawings must be labeled in the top margin as "replacement" or "annotated"

July 30, 2003

7

## Revised Amendment Practice

- Notice of Non-Compliant Amendment
  - To be used for preliminary amendments and non-final amendments
  - On the form
    - Identify the section of the amendment paper not in compliance (e.g., amds to spec., amds to clms.)
    - Specify the non-compliant item(s) (e.g., no status identifiers, no text for withdrawn claims, etc.)
  - Form completed and legibly signed by LIE with phone number. Team Leader signature no longer required
  - Non-compliant section of the amendment is not entered
  - all other sections are to be entered

July 30, 2003

8

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**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings, of claims in the application.

Claim 1 (amended) An apparatus for monitoring the level of fluid in a vessel, with no mechanical moving parts, at a remote location, providing an incremental display and data output for process control, if required.

Claim 2 (amended) An apparatus according to claim 1 wherein the system will operate in a remote location without a local source of power.

Claim 3 (amended) An apparatus according to claim 1 wherein the probe shall be custom made to individual requirements and the display shall be in 10, 10% increments of full capacity. The display/electronics box may be an integral part of the probe assembly or connected to the probe via a standard DB25 cable in excess of 300 feet if required.

Claim 4 (amended): An apparatus in any one of claims 1,2, or 3 wherein the cost of production would be inexpensive.